EXHIBIT C

Deposition of Wendy Roberson

Part II

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1   A.   I have no idea of what
2   you're talking about, sir.
3   Q.   Well, Mr. Kelly was
4   required to go in -- to relieve
5   himself in the hole --
6   A.   Required by whom?
7   Q.   By -- by the jail.
8   MS. MCDONALD: Object to
9   the form.
10   Q.   Was it -- were you the one
11   who made that determination?
12   A.   I would dispute that, sir.
13   He was taken out of the cell to the
14   bathroom, which was directly next
15   door to his cell to use the
16   bathroom as he requested to use the
17   bathroom.
18   Q.   Did you ever take him to
19   the bathroom?
20   A.   To the bathroom?
21   Q.   Yes, ma'am.
22   A.   Not that I recollect.
23   Q.   So how do you know he was

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1   taken to the bathroom directly next
2   to his cell?
3   A.   Because that is where
4   anybody who is being held in the
5   holding cells is taken to the
6   bathroom when they need to go.
7   Q.   Other than that being
8   where anybody is being taken, you
9   don't have any independent
10   recollection of Mr. Kelly --
11   A.   No, sir. And I will state
12   that each of the holding cells,
13   which there are two of them, are
14   equipped with a drain that can be
15   used to use the restroom. However,
16   if the inmate asks to go to the
17   bathroom, he is taken to the
18   bathroom. Whether he chooses to
19   use that drain or not is up to him.
20   Q.   You don't recall telling
21   Mr. Kelly he had to use the hole?
22   A.   No, sir.
23   Q.   If Mr. Kelly was not

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1   required to use the hole, why would
2   he be given toilet paper?
3   A.   Because inmates use it.
4   Q.   For what?
5   A.   To use the bathroom, but
6   they are not told that that is the
7   only place they can use the
8   bathroom. If they ask to go to the
9   restroom they are taken to the
10   restroom. That drain is there for
11   the purpose of using the bathroom
12   if an inmate needs to. We give the
13   inmates toilet paper, and most of
14   them bring it with them when they
15   come out of the cell block, if
16   they're being taken up front. But
17   where they use the bathroom is, I
18   mean, discretionary up to them. If
19   they're modest and they want to use
20   a toilet, that's fine. If they
21   don't care I'm not going to put
22   them in there without toilet paper
23   and have them use it and then make

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1   a mess.
2   Q.   In fact, Mr. Kelly was
3   left in there for long periods of
4   time when his -- when the drain
5   hole wasn't flushed.
6   MS. MCDONALD: Object to
7   the form.
8   A.   I -- I have no
9   recollection of that, no, sir.
10   Q.   Either way?
11   A.   No, sir.
12   Q.   When you were the sergeant
13   over the jail, did you ever have
14   complaints about Mr. Bradley
15   striking any inmates?
16   A.   Never.
17   Q.   Well, you know that there
18   is a complaint in this case?
19   A.   Yes, I read the
20   transcripts.
21   MS. MCDONALD: A complaint
22   or allegation? I mean, there's an
23   allegation in the complaint, but

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1 that's different than there was a
2 complaint made while an inmate was
3 in the jail.
4   Q.   My question is, are you
5 aware of anyone who has complained
6 in any fashion that Mr. Bradley
7 struck an inmate?
8   A.   No, sir, not of Mr.
9 Bradley, nor any other officer that
10 I've worked with.
11   Q.   Oh, with regard to the
12 flushing of the hole in the holding
13 cell, who had to do that?
14   A.   The corrections officer on
15 the floor. It was an easy task.
16 There's two buttons located on the
17 wall. Anytime -- it's common
18 practice, anytime the officer walks
19 by there he goes ahead and flushes
20 it anyway -- hits those two
21 buttons; it's that simple.
22   Q.   Hits what two buttons?
23   A.   The flushing mechanisms

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1 for those drains.
2   Q.   And that would be the
3 officer who's on duty --
4   A.   Yes, sir.
5   Q.   -- downstairs?
6   A.   Yes, sir.
7   Q.   Have you ever flushed
8 those toilets?
9   A.   Sure I have.
10   Q.   Did you do it daily?
11   A.   It just -- not necessarily
12 daily, no.
13   Q.   So you really don't know
14 how often those were flushed?
15   A.   No, sir. I would say, as
16 needed.
17   Generally, if an inmate
18 had used the restroom in the -- in
19 the cell, he would tap on the door
20 and ask for it to be flushed. And
21 the officer may not be able to
22 flush it that moment if he's on a
23 radio dispatch or whatever, but the

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1 office would then flush it for the
2 inmate.
3   Q.   Have you ever had
4 complaints about bugs in the
5 holding cell?
6   A.   No, sir.
7   Q.   In fact, Mr. Kelly
8 complained about bugs in the
9 holding cell, didn't he?
10   A.   Not to my knowledge.
11   Q.   And his parents spoke to
12 you about it?
13   A.   Not to my knowledge.
14   Q.   Did you ever observe Mr.
15 Kelly in what you thought was --
16 that he was hallucinating?
17   A.   No, sir.
18   Q.   If you had observed Mr.
19 Kelly hallucinating, is that
20 something that you would have
21 called medical attention about?
22   A.   Certainly.
23   Q.   Did any officer report to

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1 you that Mr. Kelly appeared to be
2 hallucinating?
3   A.   Not that I recall.
4   Q.   Did any officer report to
5 you that they thought Mr. Kelly was
6 suicidal?
7   A.   No, sir. When he was
8 booked into the jail and he told me
9 that he had tried to commit suicide
10 within six months prior, we
11 automatically put him on a suicide
12 watch.
13   Q.   What is a suicide watch?
14   A.   That means where you
15 frequently make checks on the
16 inmate within every fifteen to
17 thirty minutes.
18   Q.   You don't put him in the
19 holding cell for that?
20   A.   Not specifically for that
21 unless there's been an attempt, or
22 unless the inmate verbally states
23 to an officer, I want to kill

54 (Pages 213 to 216)

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1 myself. Then he would be put in
2 the holding cell for observation.
3   Q.   Did Mr. Kelly ever attempt
4 suicide while he was in your jail?
5   A.   Not to my knowledge.
6   Q.   Was it ever reported to
7 you that he'd done any acts --
8   A.   No, sir.
9   Q.   -- that appeared to be
10 attempting suicide?
11   A.   No, sir.
12   Q.   Now, did you read the
13 shift reports every day?
14   A.   Yes, sir.
15   Q.   Did you read the tower
16 reports every day?
17   A.   Yes, sir.
18   Q.   Did you sign off on them
19 every day?
20   A.   I signed off on them as I
21 was on duty. If -- if it was the
22 weekend I might not sign off on
23 them or if I was on vacation I

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1 might not sign off on them. But
2 the majority of them, yes, I did.
3   Q.   And what were you
4 signifying when you signed off on
5 them?
6   A.   That I had -- that I had
7 seen them and that I had read over
8 them and that I was aware of what
9 had happened the night before or
10 the day prior.
11   Q.   Other than reading the
12 tower report and -- tower log and
13 the shift report, did you do
14 anything else to find out what had
15 gone on --
16   A.   Officers would report to
17 me, or I would ask questions,
18 especially if I saw something in
19 the log that I had questions about,
20 I would go to the officer and ask
21 for more specific details.
22   Q.   Did you ever have any
23 discussion with any officer about

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1 Mr. Kelly's attempting suicide?
2   MS. MCDONALD: Attempted
3 suicide or attempting suicide?
4   MR. STOCKHAM: Attempting
5 suicide.
6   A.   Not that I recall.
7   Q.   Did you ever have any
8 conversation with Mr. Kelly's
9 alleged seizures?
10   A.   Can you repeat the
11 question?
12   Q.   Did you ever have any
13 conversation with any officers
14 about Mr. Kelly's alleged seizures?
15   A.   Certainly.
16   Q.   Which officers did you
17 have conversations with about Mr.
18 Kelly's alleged seizures?
19   A.   The officers involved that
20 wrote the statements.
21   Q.   Other than those three
22 officers, did you ever have any
23 conversation with any other

220

1 officers?
2   A.   Not to my knowledge, no,
3 sir.
4   Q.   And what were your
5 conversations with Officer Green
6 about Mr. Kelly's alleged seizure?
7   A.   Collecting the facts of
8 what he saw.
9   Q.   Anything other than what
10 is reflected in this statement?
11   A.   No, sir, not that I can
12 recall.
13   Q.   Did you ask him his
14 opinion about whether or not he
15 thought Mr. Kelly had a seizure?
16   A.   Not that I recall.
17   Q.   What was your conversation
18 with Ms. Taylor?
19   A.   Sir, I don't recall
20 specifically. That's been three
21 years ago. I'm sure that the
22 context of those conversations were
23 based on the facts of what they had

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1   seen and heard, and my attempt to
2   gather those facts and determine
3   what needed to be done in light of
4   what had happened.
5   Q.   And in light of that you
6   didn't do anything, did you?
7   MR. WILLFORD: Object to
8   the form.
9   MS. MCDONALD: Object to
10 the form.
11   A.   Yes, sir, I believe I did.
12 I believe I took all the steps
13 required of me in the on-going care
14 of Mr. Kelly while incarcerated at
15 Coosa County Jail.
16   Q.   What did you do after you
17 got those statements?
18   A.   Well, Mr. Kelly was taken
19 for examination to make sure that
20 he was physically okay.
21   Q.   This was after you got
22 those statements?
23   A.   This was after the

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1   incident as far as EMS being
2   called. All of the officers did
3   what they were supposed to do as
4   jail policy required it.
5   Q.   Listen to my question.
6   What did you do after you got those
7   statements?
8   A.   I collected the
9   information on the actions of each
10 officer as far as what they did. I
11 determined that what they did was
12 correct and I supervised that the
13 officers were continuing to do what
14 needed to be done from that point
15 on as far as making doctors
16 appointments, and as far as his
17 care.
18   My job as a sergeant was
19 to make sure that the operations of
20 the jail were going smoothly, and I
21 found that the officers who were
22 conducting those operations were
23 correct in doing what they did.

223

1   Q.   You never did get him an
2   appointment to see about his fall?
3   MS. MCDONALD: Object to
4   the form.
5   A.   Which time?
6   Q.   After the incident
7   reflected in the statements that
8   you got from the three officers,
9   did you?
10   A.   Repeat the question,
11 please.
12   Q.   You never did him an
13 appointment to see about his
14 falling out, did you?
15   A.   Where is the -- because if
16 I'm not mistaken EMS came to see
17 him and two days later he was taken
18 for a physical examination. I
19 don't know what beyond that you can
20 do.
21   Q.   You think he was taken for
22 a physical examination after the
23 16th?

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1   A.   I'm not sure because I'm
2   not sure which fall we're referring
3   to. I don't have any documents in
4   front of me to follow that.
5   Q.   Well, look at these
6   documents. These are the
7   statements on the 16th of December,
8   these three (indicating).
9   A.   Right.
10   Q.   After -- and here's one
11 more.
12   After you got those
13 statements -- you wouldn't have
14 been in the jail at the time that
15 that occurred, would you?
16   A.   No, sir, not at nineteen
17 fifty hours.
18   Q.   That's almost eight
19 o'clock at night, right?
20   A.   Correct.
21   Q.   So after that occurred you
22 didn't do anything to see that Mr.
23 Kelly saw a doctor about his

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1 falling, did you?
2   MS. MCDONALD: Object to
3 the form.
4   MR. WILLFORD: What day
5 are we talking about?
6   MR. STOCKHAM: The 16th of
7 December.
8   Q.   (By Mr. Stockham) Look at
9 Exhibit Eleven here.
10   (Witness examining
11   documents.)
12   Q.   That's your summary.
13   A.   Okay. But this -- this
14 was prior to -- I thought there was
15 something else on the 16th, another
16 summary.
17   Q.   There's a summary on
18 January the 16th.
19   Here's the summary of
20 January 16th (indicating).
21   A.   All right. And what date
22 are we talking about?
23   Q.   December the 16th.

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1   MS. MCDONALD: Let's take
2 a break and let me look through
3 this stuff --
4   MR. STOCKHAM: Sure.
5   MS. MCDONALD: -- and see
6 if we can find --
7   MR. STOCKHAM: Well, I'm
8 pretty -- just get an answer and
9 I'm through.
10   MS. MCDONALD: Well, I'm
11 going to have some questions, so
12 I'm not going to be through.
13   MR. STOCKHAM: I
14 understand.
15   MS. MCDONALD: So if we
16 can just take a second and let me
17 look through this --
18   MR. STOCKHAM: Sure. No
19 problem. I mean --
20   MS. MCDONALD: Okay.
21   MR. STOCKHAM: -- what I'm
22 saying is, I'm through after I get
23 the answer to that question.

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1   MS. MCDONALD: Okay.
2   MR. STOCKHAM: If you find
3 any other document that indicates
4 that there's something that
5 happened --
6   THE WITNESS: All right.
7 Give me -- give me just a moment
8 here because if I'm --
9   MS. MCDONALD: Just go
10 through and review the --
11   MR. WILLFORD: You mean,
12 other than EMS coming and --
13   MR. STOCKHAM: Right.
14   Q.   (By Mr. Stockham) What
15 she did after EMS came the night of
16 the 16th, anything you did.
17   (Witness examining
18   documents.)
19   A.   EMS was called. EMS did
20 not feel he needed to be
21 transported. Each of the officers
22 stated that after the incident Mr.
23 Kelly was up, walking around,

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1 stretching his arms, trying to
2 touch the ceiling light, picked his
3 mattress up, placed it on the
4 bench, did not show any difficulty
5 in movement, nor were there
6 anything to indicate that he was
7 experiencing any pain. After the
8 door was closed I watched him get
9 up and walk around. I did not
10 notice any limping or staggering in
11 his movements. There did not seem
12 to be any need for any follow-up
13 care.
14   EMS did not feel he needed
15 to be transported to the hospital,
16 which would indicate that they saw
17 no imminent need for his
18 well-being. The officers who
19 monitored him through the night saw
20 normal range of movement. No
21 complaints of being in pain. No
22 limitation of movement. Why then
23 would I continue to have him

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1 examined if everything seemed okay?
2   Q.   Well, my question was, you
3 didn't do anything --
4   A.   No, sir, there was no need
5 to.
6   Q.   The EMS didn't have the
7 history of Mr. Kelly's falls that
8 you had, did they?
9   MR. WILLFORD: Object to
10 the form.
11   MS. MCDONALD: Same
12 objection.
13   A.   I don't know what they
14 had, but I do know that they knew
15 that they had been there before for
16 him. We have the same EMT's that
17 run the same bus. So generally
18 they saw him every time that they
19 were called.
20   Q.   Who are they?
21   A.   I don't know who the
22 particular EMT's were at that time,
23 but having worked in EMS I -- I

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1 know that there are limited EMT's
2 in the county, and generally the
3 same ones respond every time.
4   Q.   But you can't sit here and
5 say under oath that they were the
6 same ones, can you?
7   A.   No, I cannot but I can
8 tell you that EMS was aware of the
9 same address and the same patient.
10   MR. STOCKHAM: That's all
11 I have.
12
13 EXAMINATION BY MR. WILLFORD:
14   Q.   Yeah, I just have really
15 one question that may require
16 follow-up.
17   In the November '03 to
18 January '04 time frame, how many
19 dentists were there in Coosa
20 County?
21   A.   There was only one in
22 Coosa County, and I -- I have to
23 say, that was Dr. Natali. He was

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1 killed in a car wreck and I'm not
2 -- as far as time line of events,
3 I'm not sure if that was before or
4 after Mr. Kelly was in jail.
5   Q.   So that one dentist had to
6 see everybody in the county?
7   A.   Yes, sir.
8   MR. WILLFORD: Okay.
9 That's all I have.
10
11 EXAMINATION BY MS. MCDONALD:
12   Q.   The doctor -- the dentist
13 that Mr. Kelly was taken to --
14   A.   Dr. Curry in Sylacauga,
15 was the other dentist that we began
16 to use after Dr. Natali was
17 deceased, or if Dr. Natali could
18 not see an inmate, then we would
19 see Dr. Curry.
20   Q.   Do you make a dentist
21 appointment with the dentist based
22 on when the dentist can see the
23 patient?

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1   A.   Well, sometimes, yes, that
2 -- that largely determines when the
3 appointment is.
4   Q.   Do you have any indication
5 that Mr. Kelly was not taken to the
6 dentist on the first available
7 appointment when the doctor could
8 have seen him?
9   A.   No.
10   Q.   Do you know when Mr. Kelly
11 was incarcerated prior to November
12 the 13th, 2003?
13   A.   No, I don't know exactly.
14   Q.   Would you look in here in
15 his file and see if there's any
16 indication of when he had been in
17 previously?
18   A.   It looks like June 6th.
19   Q.   The June 6th of 2003
20 booking sheet, does it indicate
21 that he is suffering from bipolar
22 or schizophrenia?
23   A.   No.

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1   Q.   Did he tell the officer
2   who did this he had any kind of
3   health problems, other than he'd
4   had a previously broken back?
5   A.   No. Ulcers, I think -- he
6   stated that he had ulcers.
7   Q.   Did somebody stay -- when
8   anyone is taken from the holding
9   cell back to a shower, does
10   somebody stay in there to make sure
11   they bathe?
12   A.   Yes.
13   Q.   So an officer actually
14   stays in the back with them?
15   A.   Well, no. If -- if
16   they're taken back to the
17   population cell block, then, no,
18   they are left in there to get their
19   shower, do whatever they have to do
20   while they're in there. If they're
21   taken to the shower in the exam
22   room, which is also where the
23   toilet is, right next to the

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1   holding cell, then, yes, an officer
2   has to be present with them while
3   they're in there.
4   Q.   But if he was taken back
5   to -- if Mr. Kelly was taken back
6   to population to get a shower, was
7   it his decision whether or not he
8   got a shower or bathed?
9   A.   He was taken back there
10   and given an allotted amount of
11   time to take a shower. If he did
12   not take a shower within that
13   period of time, then he would have
14   been taken back to the holding cell
15   without a shower.
16   Q.   Is there anything that
17   prohibits an inmate from, whether
18   they may be in general population
19   or they be in a holding cell, from
20   doing exercises in their cell?
21   A.   No.
22   Q.   So they can exercise at
23   any time they choose to do so,

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1   correct?
2   A.   That's correct.
3   (Whereupon, Defendant's
4   Exhibit One
5   was marked for
6   identification.)
7   Q.   Let me show you what I'll
8   mark as Defendants's Exhibit One to
9   your deposition, which appears to
10   be the day shift tower log from
11   December 23rd, 2003.
12   Can you tell me -- read
13   the entry from 12-15 of that date?
14   If you will, Wendy, read it aloud.
15   A.   Okay. Kelly in holding
16   has been doing some type of
17   exercise for the past five minutes.
18   During this time he has jumped and
19   kicked alternating legs, spun
20   around on the heels of his feet,
21   swung his fists and would lean side
22   to side kicking. His balance
23   didn't seem too good but his

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1   physical ability to do these
2   actions wasn't hampered by any
3   physical problems.
4   Q.   So Mr. Kelly was aware
5   that he was free to exercise in his
6   cell, correct?
7   A.   Correct.
8   Q.   As far as the temperature
9   in that holding cell, do you recall
10   whether Mr. Kelly ever talked to
11   you or complained to you that he
12   was cold?
13   A.   No.
14   (Whereupon, Defendant's
15   Exhibit Two
16   was marked for
17   identification.)
18   Q.   Let me show you what I'll
19   mark as Defendant's Exhibit Two,
20   which is the day shift tower log
21   from December 22nd, 2003. Can you
22   read me the entry out loud, please,
23   of oh eight thirty-seven hours.

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1   A.   Observed Kelly taking his
2   shirt off in the holding; he was
3   too hot. He placed his orange
4   shirt back on. He had some long
5   sleeves under it.
6   Q.   Does the population in a
7   jail change daily?
8   A.   Yes, sometimes hourly.
9   Q.   So you can go from being
10   full to being half-full?
11   A.   Yes, ma'am.
12   Q.   The inmate medical
13   summary, which has been marked as
14   Plaintiff's Exhibit Eleven, which
15   Mr. -- Richard has asked you about,
16   who is that made for?
17   A.   It was made for myself,
18   for the lieutenant, for anybody who
19   had any questions about the medical
20   care and the action we took on Mr.
21   Kelly.
22   Q.   And do you know whether
23   that -- what you prepared contains

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1   every single time he was taken to a
2   doctor?
3   A.   No.
4   Q.   Have you seen any medical
5   records from any physician while he
6   -- from November 13th of 2003 to
7   January 16th of 2004, regarding
8   what -- from a physician, what
9   medical care he was provided?
10   A.   No.
11   MS. MCDONALD: I don't
12   have anything else.
13   MR. STOCKHAM: And nothing
14   further from me.
15   MR. WILLFORD: Nothing
16   else for me.
17
18   FURTHER THE DEPONENT SAITH NOT
19
20
21
22
23

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1   C E R T I F I C A T E
2
3   STATE OF ALABAMA   )
4   JEFFERSON COUNTY   )
5
6   I hereby certify that the above
7   and foregoing deposition was taken
8   down by me in stenotype, and the
9   questions and answers thereto were
10   reduced to typewriting under my
11   supervision, and that the foregoing
12   represents a true and correct
13   transcript of the deposition given
14   by said witness upon said hearing.
15   I further certify that I am
16   neither of counsel nor kin to the
17   parties to the action, nor am I in
18   anywise interested in the result of
19   said cause.
20
21
22   Sandra Peebles Daniel
23   Commissioner

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